



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 28, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON ORDINANCE EXTENDING INTERIM
ORDINANCE NO. 2015-0022U
ON THE ESTABLISHMENT OR EXPANSION OF VINEYARDS
IN THE SANTA MONICA MOUNTAINS NORTH AREA/COMMUNITY
STANDARDS DISTRICT
(4 VOTES)**

SUBJECT

The Board of Supervisors (Board) enacted Interim Ordinance No. 2015-0022U on June 16, 2015, to temporarily prohibit the establishment or expansion of vineyards, either as a primary or accessory use, on all properties located in the area regulated by the Santa Monica Mountains North Area Community Standards District (CSD) in the County of Los Angeles, while a study is conducted to consider a possible zoning amendment applicable to the area. The extension of Interim Ordinance No. 2015-0022U will allow the Department of Regional Planning (Department) sufficient time to complete a comprehensive study and prepare options for the Board to consider for adoption.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

Adopt the ordinance extending Interim Ordinance No. 2015-0022U for a period of 10 months and 15 days.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Board enacted Interim Ordinance No. 2015-0022U on June 16, 2015, to temporarily prohibit the establishment or expansion of vineyards, either as a primary or accessory use, on

all properties located in the area regulated by the Santa Monica Mountains North Area CSD in the County of Los Angeles, while a study is conducted to consider a possible zoning amendment applicable to the area.

In adopting Interim Ordinance No. 2015-0022U on June 16, 2015, the Board found that the Department received 32 ministerial cases to establish vineyards, since May 2014, that could entail the development of 495 acres of land. However, in further study the Department found that it had received 51 ministerial applications to establish vineyards in the Santa Monica Mountains North Area. Of these 51 applications, 25 have been approved. There are currently 26 pending applications which could entail the development of an additional 308 acres of land. These applications raised several concerns related to water supply, water quality, and land use compatibility. The State of California recently entered its fourth year of drought, and the development of dozens of vineyards, most using wells to draw upon groundwater supplies, could exacerbate these conditions by causing a significant drop in groundwater levels.

Further, vineyards could increase runoff, erosion, and sedimentation, and cause pesticides and fertilizers to infiltrate waterways during rain events. The cumulative impact of dozens of vineyards could impact the area's fragile watersheds. Although best management practices could mitigate these impacts, such practices are not currently required by the County Zoning Code and the County is unable to impose conditions on ministerial applications.

Vineyards also require the removal of natural vegetation, and in many cases, extensive grading due to the presence of steep slopes. The establishment of dozens of vineyards could result in visual impacts that would transform the character of the Santa Monica Mountains North Area. In the natural vegetation removal and grading associated with vineyards could cause habitat fragmentation and hinder wildlife movement within these areas.

The Board found that the lack of appropriate regulations and development standards for vineyards in the Santa Monica Mountains North Area CSD may lead to development that would negatively impact water supply and quality, and detract from the physical appearance, condition, and character of the area. Unless Interim Ordinance No. 2015-0022U is extended, an irreversible incompatibility of land uses might reasonably occur as a result of the establishment or expansion of vineyards in the affected area, all to the detriment of public health, safety, and welfare.

The extension of Interim Ordinance No. 2015-0022U will allow the Department's staff sufficient time to complete a comprehensive zoning study with possible ordinance amendment options for the Board to consider. The area affected is the unincorporated area governed by the Santa Monica Mountains North Area CSD, as identified on the map following Section 22.44.133 of Title 22 of the Los Angeles County Code.

FISCAL IMPACT/FINANCING

Extension of Interim Ordinance No. 2015-0022U may result in a loss of revenue generated from permit fees. In the past year (May 2014 to April 2015) fifty-one ministerial site plan reviews have been filed, which resulted in approximately \$35,000 in net revenue. During the effective period of Interim Ordinance No. 2015-0022U, no new site plan reviews would be accepted, therefore there is a possibility of a loss in revenue from projects that cannot file during this time. However, the number of site plan reviews filed is likely an anomaly and in response to the October 2014, Santa Monica Mountains Local Coastal Program certification and the intent to adopt the updated County General Plan, which spurred an increase in site plan submittals. In contrast only four site plan reviews were filed from May 2013 to May 2014; therefore it is likely that the number of additional site plan submittals would be less than the fifty-one received in the past year and fiscal impacts would be less than \$35,000.

In addition, during the extension of the interim ordinance it is anticipated that approximately \$60,000 will be needed to complete a comprehensive policy and zoning study. Funds would be used to support technical studies related to water, including water supply analyses and water quality impacts due to runoff, identification of appropriate best management practices and outreach, as well as environmental consultation to support California Environmental Quality Act (CEQA) analysis. Further resources may be required depending on the level of environmental analysis required. The Department will request those funds through the supplemental budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Interim Ordinance No. 2015-0022U, first adopted by the Board on June 16, 2015, will expire on July 31, 2015, unless extended by Board action. Pursuant to Government Code Section 65858 Interim Ordinance No. 2015-0022U temporarily prohibits the establishment or expansion of vineyards, either as a primary or accessory use within any zone within the Santa Monica Mountains North Plan area and CSD, where such uses would be authorized, until appropriate standards for these facilities can be fully analyzed and recommended to the Board for possible adoption, and prevents existing vineyards from undergoing additional development that would constitute expansion.

The Department has initiated a zoning study to review all zones where vineyards are currently authorized in the affected CSD area. The Department in conjunction with other applicable County Departments, shall research and complete a detailed analysis of development standards before providing recommendations for a permanent zoning ordinance amendment. In order to develop appropriate recommendations for amendments to the zoning ordinance, additional time is needed to:

- Review other local, federal, and state regulations that govern vineyards in urban areas,
- Assess infrastructure requirements necessary to ensure proper water run-off and soil erosion control plans,

- Review regulation of pesticides applied to agricultural lands and assess impacts to water quality,
- Develop best management practices for vineyards,
- Evaluate the applicability of sustainable farming practices for vineyards and other agricultural uses,
- Assess effects on visual quality due to hillside grading and natural vegetation removal,
- Determine impact to water quality due to water runoff, stream sedimentation, soil erosion,
- Conduct a water analysis, to include water usage, need and impact to water supplies,
- Assess how implementation of water conservation measures due to California drought regulations would be affected by new vineyards.

If Interim Ordinance No. 2015-0022U is not extended, vineyards may develop in the affected CSD area without appropriate regulations and development standards, and those facilities may cause irreparable harm to the physical appearance, condition, and character of the area, may impact water supplies and/or water quality and may negatively impact the health, safety, and welfare of the general public. Additionally, unless Interim Ordinance No. 2015-0022U is extended, an irreversible incompatibility of land uses and the possible loss of vegetative habitat and groundwater supply may reasonably occur, to the detriment of the public health, safety, and welfare. Such conditions pose a current and immediate threat to human health, safety or welfare absent the extension of the restrictions of Interim Ordinance No. 2015-0022U.

The provisions of Section 65858 limit the effective period of Interim Ordinance No. 2015-0022U to only 45 days. In view of the approaching July 31, 2015, expiration date, it is recommended that the Interim Ordinance be extended for a further ten months and 15 days as provided in Section 65858. This will allow sufficient time for the Department to complete the policy and zoning study, including recommending changes to the Zoning Code and environmental review pursuant to CEQA if needed.

Extension of this ordinance requires that the Board conduct a public hearing at which time the ordinance extending Interim Urgency Ordinance No. 2015-0022U may be adopted by no less than a four-fifths vote. The date of the public hearing has been set for July 28, 2015. Publication of a notice of this public hearing will take place not less than 10 days prior to the hearing date, as required. In addition, the Department mailed notices to interested residents and property owners in the affected area.

IMPACT ON CURRENT SERVICES OR PROJECTS

The proposed ordinance would not impact current services or projects as the comprehensive policy study and associated tasks can be conducted without the need for additional staff. Additional funding, of \$60,000 is needed to complete a comprehensive policy and zoning study. Funds would be used toward technical studies related to water, such as water supply

The Honorable Board of Supervisors
July 28, 2015
Page 5

analyses, development of best management practices, outreach, and environmental consultants.

CONCLUSION

Extension of Interim Ordinance No. 2015-0022U would provide staff with sufficient time to conduct a policy and zoning study and make appropriate recommendations. Said Interim Ordinance would also ensure that proposed vineyards in the Santa Monica Mountains North Area CSD would receive the necessary evaluation to address the potential environmental, public safety and public health issues that arise from the development of vineyards in the affected area.

The proposed ordinance, extending Interim Ordinance No. 2015-0022U, will be prepared by County Counsel and transmitted to you. A suggested notice of public hearing is also attached. If you have any questions, please contact Anita Gutierrez of my staff at (213) 974-6422 or agutierrez@planning.lacounty.gov.

Respectfully submitted,



Richard J. Bruckner
Director

RJB:MC:AG:lm

Attachment: Sample public hearing notice

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works